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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,125	10/21/2003	Hitan S. Kamdar	GP-304074 (2760/137)	3644

7590 03/05/2009
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EXAMINER

HAMZA, FARUK

ART UNIT	PAPER NUMBER
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2455

MAIL DATE	DELIVERY MODE
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03/05/2009

PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/690,125
Filing Date: October 21, 2003
Appellant(s): KAMDAR ET AL.

James Stevens (Reg. No. 35,691)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on November 12, 2008 appealing from the Office action mailed on May 12, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Sharif et al.

U.S. Patent No. 7,194,513 B2

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Bastian et al.	U.S. Patent No. 6,757,712 B1
Lazaridis et al.	U.S. Patent No. 6,219,694 B1
Ban et al.	U.S. Pub. No. 2005/0060373 A1

Official Notice.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 8-10 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharif et al. (U.S. Patent Number 7,194,513) hereinafter referred as Sharif and further in view of Bastian (U.S. Patent Number 6,757,712) hereinafter referred as Bastian.

Sharif teaches the invention substantially as claimed including a system for using an Internet appliance for sending and receiving digital content files as email attachments includes a system server and an Internet appliance both connected to a communication network (abstract).

As to claim 1, Sharif teaches a method for accessing an email attachment, the method comprising:

receiving an email attachment from a remote server (abstract, Sharif discloses receiving email attachment);

determining a classification of the email attachment (Fig. 4, Column 9, lines 44-60, Sharif discloses identifying attachment types); and

routing the email attachment based on the classification such that the email attachment is provided to communication unit enabled to present the

content of the email attachment (Fig. 4, Column 9, lines 44-Column 10, lines 31, Sharif discloses routing email attachment based on identified types).

Sharif does not explicitly teach the claim limitation of establishing the email system at a vehicle.

However, Bastian discloses a system for permitting passengers on board an aircraft to send and receive electronic data. Bastian teaches the claimed limitation of email system at a vehicle (abstract).

It would have been obvious to the ordinary skill of the art at the time of the invention to modify Sharif by adding functionality to establishing the email system at a vehicle, which would allow users to access their email and attachment while they travel. One would be motivated to do such to enhance system's usability and provide greater ease to the users.

Claims 8 and 15 do not teach or define any new limitations other than above claim 1. Therefore, claims 8 and 15 are rejected for similar reasons.

As to claim 2, Sharif teaches the method of claim 1 further comprising receiving a notification signal at the telematics unit, and setting an internal software flag responsive to the notification signal (Column 9, lines 36-43).

Claims 9 and 16 do not teach or define any new limitations other than above claim 2. Therefore, claims 9 and 16 are rejected for similar reasons.

As to claim 3, Sharif teaches the method of claim 2 wherein the internal software flag triggers receiving the email attachment at the mobile vehicle telematics unit (Column 9, lines 36-43).

Claims 10 and 17 do not teach or define any new limitations other than above claim 3. Therefore, claims 10 and 17 are rejected for similar reasons.

Claims 4,11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharif and Bastian as applied above, and further in view of Lazaridis et al. (U.S. Patent Number 6,219,694) hereinafter referred as Lazaridis.

As to claim 4, Sharif and Bastian teach the method of claim 1.

Sharif and Bastian do not explicitly teach claim limitation of determining whether the file is an audio-only file and routing the attachment to one of a audio unit or display screen based on the determination.

However, Lazaridis discloses a system and method for pushing information from a host system to mobile data communication device upon sensing a triggering event (see abstract). Lazaridis teaches claim limitation of determining whether the file is an audio-only file and routing the attachment to one of a audio unit or display screen based on the determination (Column 6, lines 7-30).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify Sharif and Bastian by adding functionality for determining whether the file is an audio-only file and routing the attachment to one of a audio unit or display screen based on the determination, which would provide more effective and accurate delivery of data from host system to users terminal. One would be motivated to enhance system's efficiency.

Claims 11 and 18 do not teach or define any new limitations other than above claim 4. Therefore, claims 5,11,12,18 and 19 are rejected for similar reasons.

Claims 6,7,13,14,20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharif and Bastian as applied above, and further in view of Ban et al. (U.S. Pub. No. 2005/0060373) hereinafter referred as Ban.

As to claim 6, Sharif and Bastian teaches the method of claim 1.

Sharif and Bastian do not explicitly teach the claimed limitation of storing attachment in random access memory.

However, Ban discloses a method and apparatus for fast communication with a symbol linked object based system is useful in allowing a user to maintain control over the users system when receiving an e-mail with a large attachment (see abstract). Ban teaches the claimed limitation of storing attachment in random access memory (P [0012]).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify Sharif and Bastian by adding functionality for storing attachment in random access memory, which would allow user to access the attachment faster. One would be motivated to enhance system's efficiency.

As to claim 7, Sharif and Bastian teach the method of claim 6.

Sharif and Bastian do not explicitly teach the claimed limitation of deleting attachment from random access memory.

However, Ban discloses a method and apparatus for fast communication with a symbol linked object based system is useful in allowing a user to maintain control over the users system when receiving an e-mail with a large attachment (see abstract). Ban teaches the claimed limitation of deleting attachment from random access memory (P [0012]).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify Sharif and Bastian by adding functionality for deleting attachment from random access memory, which would allow user to store more attachment for faster access. One would be motivated to enhance system's efficiency.

Claims 13, 14, 20 and 21 do not teach or define any new limitations other than above claims 6 and 7. Therefore 13, 14, 20 and 21 are rejected for similar reasons.

Claims 5,12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharif, Bastian and Lazaridis as applied above, and further in view of "Official Notice".

As to claim 5, Lazaridis teaches the method of claim 4.

Lazaridis does not explicitly teach the claimed limitation of setting a bit in a random access memory.

However, "Official Notice" is taken that the concept and advantage of setting a bit in a random access memory is old and well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify Sharif, Bastian and Lazaridis by adding functionality for setting a bit in a random access memory, which would provide indication to process. One would be motivated to enhance system's efficiency.

Claims 12 and 19 do not teach or define any new limitation other than above claim 5. Therefore, 12 and 19 are rejected for similar reasons.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

As per appellant's arguments filed on November 12, 2008, the appellant argues that A); the combined teaching of Sharif and Bastian do not teach or suggest classification of attachments and routing of attachments based on classification that occurs **at the client device** (see Brief page 9).

In response to A): Claims refer to classification of the attachment occur at the vehicle not "at the client device" as applicant alludes to. Sharif discloses a system for using an Internet appliance for sending and receiving digital content files as email attachments including a system server and an Internet appliance both connected to a communications network such as the Internet (see abstract). Sharif teaches receiving email attachments (abstract), determining attachment type by reading the attachment header (see Fig. 4, 420). According to the applicant's specification, the functionality of classifying email attachment reads on categorizing email attachment types as taught by Sharif. Sharif also teaches

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testing if the identified type is supported by the receiver (see Fig. 4, 422) and based on the test result process further or move to the next attachment (see Column 9, lines 44-60). Sharif does not explicitly teach the claim limitation of establishing the email system at a vehicle. However, Bastian discloses a system for permitting passengers on board an aircraft to send and receive electronic data. Bastian teaches the claimed limitation of email system at a vehicle (abstract). One of the ordinary skills in the art would clearly recognize the benefit of combining Bastian with Sharif since Bastian is classified in the demand based messaging in class 709, subclass 206 and directed towards communication system for aircraft for passengers to send and receive electronic data. The combined teaching of Sharif and Bastian of identifying email attachment type at the aircraft meets the claim limitation of “classification of attachments and routing of attachments based on classification that occurs ***at the client device***”.

The appellant argues that B); there is no motivation to combine Lazaridis with Sharif and Bastian (see Brief page 10).

In response to B): The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at 1396). In this

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case, Sharif and Bastian do not explicitly teach the claim limitation of determining whether the file is an audio-only file and routing the attachment to one of an audio unit or display screen based on the determination.

However, Lazaridis teaches the claim limitation of determining whether the file is an audio-only file and routing the attachment to one of an audio unit or display screen based on the determination (Column 6, lines 7-30). One of the ordinary skills in the art would clearly recognize the benefit of combining Lazaridis with Sharif and Bastian since Lazaridis is also classified in the demand based messaging in class 709, subclass 206 and directed towards replicating information from a host system where the information is normally stored to a mobile data communication device.

The appellant argues that C); there is no motivation to combine Ban with Sharif and Bastian (see Brief page 11).

In response to C): The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at 1396). In this case, Sharif and Bastian do not explicitly teach the claimed limitation of storing attachment in random access memory.

However, Ban discloses a method and apparatus for fast communication with a symbol linked object based system is useful in allowing a user to maintain control over the user's system when receiving an e-mail with a large attachment (see abstract). Further, Ban teaches the claimed limitation of storing attachment in random access memory (P [0012]). One of the ordinary skills in the art would clearly recognize the benefit of combining Ban with Sharif and Bastian since Ban is classified in the demand based messaging in class 709, subclass 206 and directed towards email messages transmitted over web to display terminals, and particularly to large attachments to the email messages.

The appellant argues that D); the examiner took "Official Notice" without documentary evidence (see Brief page 11).

In response to D): The concept and advantage of setting bit in the memory or register is old and well known in the art evident by Garg et al. (U.S. Patent Number 6,862,630) (see Column 6, lines 24-40).

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Faruk Hamza/

Examiner, Art Unit 2455

Conferees:

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457